



***Town of Tyngsborough  
Planning Board***  
25 Bryants Lane,  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext 115

Tyngsborough Planning Board Meeting Minutes January 18, 2007

Attachments:	1-Meeting Agenda	APPROVED
Members Present:	Caryn DeCarteret, Chairman Darryl Wickens, Vice Chairman John Forti, Secretary Steve Nocco, Treasurer Joyce M. Harrington (Clerk) Jesse Johnson (Consulting Engineer)	
Members	Absent: Mark Pease, NMCOG Liaison	

To take action on agenda items (see attached agenda) and any other business brought before the Board.

Administrative 1 ANR Plan application – Pete Nicosia – Steven Caggiano 40 Sequoia Drive

Mr. Nicosia came in front of the Board and requested to be allowed to informally show the Board the proposed ANR plan, but at this time, not to submit the application for consideration. The parcel is shown on Assessor's Map 26 Parcel 76. The property is Open Space B as shown on the plan for Evergreen Estates, Sequoia Drive and was intended to be deeded over to the Town, per Town Meeting vote in May 1988 (Warrant Article 63). The open space was never deeded to the Town by the developer Keith Caples, and the Conservation Restrictions or Covenants were not recorded. Subsequently, Mr. Caples sold the parcel to Mr. Caggiano. The Board will forward the plan, a copy of the deed and the Subdivision Plan to Town Counsel for his opinion on how to proceed with this parcel.

Administrative 2 Informal discussion ANR Plan Long Pond Road – Michael Farris presented by Attorney Pete Nicosia

Mr. Nicosia gave a brief discussion on this parcel of Land. The excising conforming lot line is in Pelham N.H. frontage is in question. This parcel is in Tyngsborough, Dracut, and Pelham N.H. Mr. Nicosia will draft up a letter for Town Counselor for his review.

Administrative 3 Discussion Tyngs Crossing 28 Farwell Road

In attendance Attorney, Douglas Deschense

The Board reviewed the open items to be addressed:

1. Obtain written acknowledgement from ANR Lot C owner that trees to be planted to replace those removed are not be cut down - (possible future deed restriction in the case of sale of home?)  
*An agreement to preserve and maintain the tress and landscaping within Lot C was received in the Planning Board office on January 10, 2007, this agreement is on file and will be forwarded to Town Counsel for review.*
2. Address problems with Form H: Property owner Tyngs Crossing, LLC not Dennis Page (personally) and plan referenced in Form H is ANR plan not subdivision plan  
*Attorney Deschense updated the Form H and will submit a copy to Attorney Zaroulis for his review.*

3. Developer working with Historical and outside wall expert to reconstruct wall according to their direction. Developer to submit letter from Historical upon completion

*The Planning Board did receive a letter from the Historical Commission dated December 27, 2006. The Historical Commission visited the site and is satisfied with the work being done; The Commission will continue to monitor the progress and will send a letter to the Planning Board on the completion of the wall.*

4. The current grading around CB5 will not convey any water to the structure. Water would have to “pond up” significantly in the surrounding area before it enters the catch basin.

*The letter submitted by Landtech for Jesse Johnson to review and advise.*

The Board previously requested that the applicant supply a copy of the recorded plans, as they had only submitted the Form H. Upon receipt of the recorded plan, it was discovered that they had only recorded the top page. The Board then requested (upon verification from the Registry) that all pages be recorded. The applicant did supply new Mylar plans to be signed by the Board. They will then be recorded (after Ross does a final check of the plan to make sure there are no changes from that which we approved).

Administrative 4 Special Permit application for 2 Bridgeview Cr –James Andrews Limousine and Coach Service.

Mr. Andrews cancel due to illness

Administrative 5 Dabilis Estates Street acceptance – Pete DeCarolis

Mr. DeCarolis asked the Board if everything was in order to proceed with acceptance of the streets in Dabilis Estates. The Board gave a letter from the Tax Collector with regard to back taxes for him to make arrangements before the Board could proceed any further.

Administrative 6 Special Permit application T.I.L.Q. 14 Bay State Road – Doreen St.John

The Board signed in the application and set the Hearing date for March 1, 2007 @ 7:05PM

Administrative 7 ANR Plan application – Attorney Joseph Clermont 59 Althea Avenue

The applicant would like to convert the three (3) existing lots at 59, 61, and 63 Althea Avenue into two (2) lots. The lots at 63 and 61 Althea Avenue currently have an existing dwelling constructed in 1921, along with a garage and septic system which services the existing dwelling. The remaining lot at 59 Althea Avenue contains a single family dwelling constructed in 1921, which will be retained by the applicant.

The Planning Board Clerk drafted letter to Town Counselor for his opinion, the Board is waiting for his review.

Administrative 8 Preliminary Subdivision Plan 37 Willowdale Road – .Nicholas Rabais presented by Geroge Dimakarakos.

The Board signed in the application and set the Hearing date for March 1, 2007 @ 7:35PM

Administrative 9 Approval of Minutes of January 4, 2007

**Motion D.Wickens to approve as amended**

**Second: J.Forti**

**Carries: 4-Yes, 1 absent**

Minutes taken and respectfully submitted by  
Joyce Harrington, Clerk